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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 United States of America, ) CR 03-856-PHX-JAT  
10 Plaintiff - Respondent, ) CV 04-2550-PHX-JAT (ECV)  
11 vs. )  
12 Joel Guzman-Lopez, ) **ORDER**  
13 Defendant - Movant. )  
14 \_\_\_\_\_ )  
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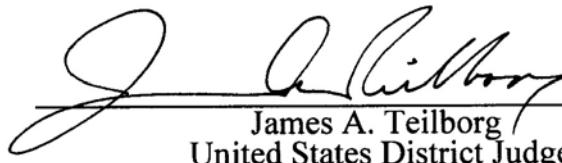
16 This Court “may accept, reject, or modify, in whole or in part, the findings or  
17 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). It is “clear that the  
18 district judge must review the magistrate judge’s findings and recommendations *de novo if*  
19 *objection is made, but not otherwise.*” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
20 (9<sup>th</sup> Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263 F.Supp.2d 1219,  
21 1126 (D.Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of  
22 factual and legal issues is required if objections are made, ‘but not otherwise.’”). District  
23 courts are not required to conduct “any review at all . . . of any issue that is not the subject  
24 of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28  
25 U.S.C. § 636(b)(1) (“the court shall make a *de novo* determination of those portions of the  
26 [report and recommendation] to which objection is made.”).

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1        In this case, the Report and Recommendation was issued on October 21, 2005.  
2 Defendant/Movant has not filed any objections to the Report and Recommendation. Based  
3 on the foregoing,

4        **IT IS ORDERED** that the Report and Recommendation (Doc. #26) is accepted and  
5 adopted; the Motion to vacate/set aside sentence (Doc. #22) is denied, and the Clerk of the  
6 Court shall enter judgment accordingly.

7        DATED this 7<sup>th</sup> day of December, 2005.

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11      James A. Teilborg  
12      United States District Judge

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